

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Tony Isaac,)	CASE NO. 1: 09 CV 1560
)	
Petitioner,)	
)	JUDGE DONALD C. NUGENT
v.)	
)	
Tim Brunsman, Warden,)	<u>MEMORANDUM OPINION</u>
)	<u>AND ORDER</u>
Respondent.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Vernelis K. Armstrong. The Report and Recommendation (ECF # 10), filed on October 15, 2010, is ADOPTED by this Court, and Petitioner's Petition for Writ of Habeas Corpus (ECF # 1), filed pursuant to 28 U.S.C. § 2254, is denied.

Pursuant to Local Rule 72.2, this matter was referred to Magistrate Judge Armstrong for the preparation of a report and recommendation. On October 15, 2010, Magistrate Judge Armstrong recommended that this Court dismiss Petitioner's Petition with prejudice. On December 13, 2010, Petitioner filed objections to the Report and Recommendation¹. (ECF # 13.)

The Court has reviewed the Report and Recommendation *de novo*. See *Thomas v. Arn*, 474 U.S. 140 (1985). Moreover, it has considered all of the pleadings, affidavits, motions, and filings of the parties. Despite Petitioner's assertions to the contrary, the Court finds Magistrate Judge Armstrong's Report and Recommendation to be well-written, well-supported, and correct. The Court likewise finds that Petitioner's ground for relief lacks merit, given that: (1) the Ex

¹

Petitioner filed two motions for extensions of time to file objections which were not addressed by the Court. Accordingly, Petitioner's Objections were untimely filed. Nevertheless, the Court considered the objections.

Post Facto Clause was not violated and (2) Petitioner was afforded sufficient notice, fair warning, and process. As such, the Court finds Petitioner's objections to the Report and Recommendation to be lacking in merit. Therefore, the Report and Recommendation (ECF # 10) is ADOPTED in its entirety, the Petition for Writ of Habeas Corpus is DISMISSED WITH PREJUDICE (ECF # 1), and Petitioner's objections are thereby DENIED (ECF # 13).

Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b).

IT IS SO ORDERED.

/s/Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATE January 5, 2011